

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RUTH E. BOHAC,

Plaintiff,

vs.

MICHAEL J. ASTRUE,

Defendant.

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Case No. 4:09CV01951AGF

MEMORANDUM AND ORDER

Currently before the Court¹ is Defendant's motion to reverse and remand this Social Security disability case pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Following a hearing on Plaintiff's application for disability insurance benefits, an Administrative Law Judge (ALJ) found that Plaintiff was not disabled. The decision of the ALJ became the final decision of the Commissioner of Social Security, and Plaintiff sought judicial review of the adverse ruling. The Commissioner now states that agency counsel asked the Appeals Council of the Social Security Administration to reconsider the Commissioner's decision, and that upon review, the Appeals Council determined that remand was appropriate for further consideration of Plaintiff's claims. The Commissioner asserts that upon remand by the Court, the Appeals Counsel will remand the case to the ALJ to further consider the opinion of Plaintiff's treating neurologist, John O'Keefe,

¹ The parties have consented to the exercise of authority by the undersigned United States Magistrate Judge under 28 U.S.C. § 636(c).

M.D., consistent with the evidence of record. The ALJ will also contact Dr. O'Keefe to obtain a statement in support of his assessment of Plaintiff's ability to perform work-related functions. Plaintiff has filed a response stating that she has no objections to the Commissioner's motion to reverse and remand. [Doc. #15]

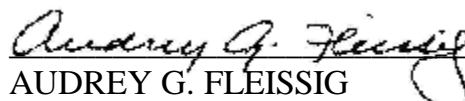
Title 42 U.S.C. § 405(g) provides, "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The Court finds that the Commissioner has made a sufficient showing of good cause to reverse and remand this case for further action.

Accordingly,

IT IS HEREBY ORDERED that Defendant's motion to reverse and remand the case to the Commissioner for further consideration be **GRANTED**. [Doc. #14]

IT IS FURTHER ORDERED that the decision of the Commissioner is **REVERSED** and the case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 205(g) for further consideration.

A separate Judgment shall accompany this Memorandum and Order.


AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 8th day of April, 2010.